

**BOARD OF COUNTY COMMISSION
AGENDA ITEM SUMMARY**

Meeting Date: 1/18/06- KW

Division Mayor McCoy

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Suzanne Hutton

AGENDA ITEM WORDING:

Approval of a resolution elaborating on Resolution 493A, setting forth matters to be protected in legislation to remove designation as Area of Critical State Concern from Monroe County.

ITEM BACKGROUND:

At the December 21, 2005 meeting a motion was passed and formalized into Resolution 493A, setting forth the BOCC's support for removing the designation as Area of Critical State Concern from Monroe County. While the discussion on the motion entailed many reasons for removal of the designation and a number of benefits which commissioners wanted to retain for the County, the resolution incorporated only the motion which was passed. This resolution incorporates the concerns voiced by several commissioners as benefits available to the County as an ACSC which should be retained, or at least phased out, through de-designation legislation.

PREVIOUS RELEVANT BOCC ACTION:

See above.

CONTRACT/AGREEMENT CHANGES:

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST: No direct costs

BUDGETED: N/A Yes ☐ No ☐

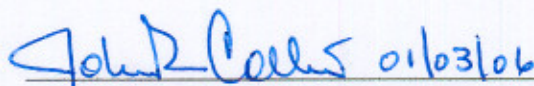
COST TO COUNTY: \$

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes ☐ No ☒ **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:

 01/03/06

JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included ☒ Not Required ☐

DISPOSITION:

AGENDA ITEM #

Revised 2/05

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY ELABORATING ON RESOLUTION NO. 493A-2005 TO SET FORTH SPECIFIC PROTECTIONS TO BE SOUGHT IN LEGISLATION TO REMOVE DESIGNATION AS AN "AREA OF CRITICAL STATE CONCERN" FROM MONROE COUNTY.

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY (hereinafter "COUNTY") voted to seek legislation to remove Monroe County from designation as an area of critical state concern, as reflected in Resolution 493A-2005; and

WHEREAS, the resolution contains the verbiage recited in the motion, but does not contain specific concerns raised during discussion on the motion; and

WHEREAS, a primary desire to have the area of critical state concern designation lifted is based on delays created by State review of individual development plans despite the fact that the County's land development regulations and comprehensive plan have already received Department of Community Affairs approval; and

WHEREAS, it is recognized that tourism and enhanced growth management regulations will continue to impact Monroe County if and when the designation as an area of critical state concern is removed; and

WHEREAS, it is recognized that certain benefits have accrued to Monroe County due to its designation as an area of critical state concern; and

WHEREAS, it is desirable and necessary to retain as many benefits of the critical state concern legislation as possible due to the unavailability of land, the unique logistical difficulties and infrastructure requirements, such as transportation of supplies and water, along with the increase in property values at a phenomenal rate, all of which Monroe County faces in resolving issues which are not experienced statewide; and

WHEREAS, it is preferable to phase out, and not abruptly cease, those benefits available to an area of critical state concern which cannot be continued indefinitely should the designation be removed; and

WHEREAS, it is desired to formally set forth the specific concerns raised by various commissioners as matters to be addressed and protected or phased out through the proposed legislation;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, that:

1. Resolution 493A-2005 shall be elaborated upon as follows:

State Representative Sorenson is requested to seek legislation¹ to remove Monroe County from designation as an area of critical state concern, which legislation shall provide for the continuation, or phasing out, of certain benefits which have accrued to Monroe County due to its designation as an area of critical state concern. Those matters which the Board of County Commissioners finds to be in the best interests of the general public to continue to be available to Monroe County, or at least to be gradually phased out, are:

- a) Retention of the ability to expend up to 10% of the infrastructure sales tax on public uses other than infrastructure;
- b) Retention of the tourist impact tax, which has been authorized by § 125.0108, FS;
- c) Retention of the Land Authority and its ability to purchase land in Monroe County for the purposes available under § 380.0666, FS, particularly for purposes of conservation and affordable housing;
- d) Continued participation by the State in financial responsibility for the inverse condemnation awards and settlements resulting from the stringent land use regulations required of Monroe County as an area of critical state concern;
- e) Continued availability of preferential points for competitive grants for acquisition and preservation of the environment, acquisition and development of recreational lands, and acquisition and development of affordable housing;
- f) To the extent possible and appropriate, the retention of recognition of Monroe County's environmental and tourist-related significance to the State so that legislation which affects only Monroe County due to unique issues may still be passed;

¹ Any legislation to remove Monroe County, or portions thereof, from the area of critical state concern, without undergoing the State's process set forth in Section 380.0552(4),FS, would require repeal of or amendment to that statute.

2. The Board is committed to the final adoption of the Tier System for habitat protection which should not delay the removal of Monroe County from designation as an area of critical state concern.
3. The Board is committed to the continuation of its Ten-Year Work Plan to accomplish providing wastewater treatment, and establishing work-force and affordable housing in the unincorporated portions of the Florida Keys.
4. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the eighteenth day of January, A.D. 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner George Neugent
Commissioner David Rice
Commissioner Dixie Spehar

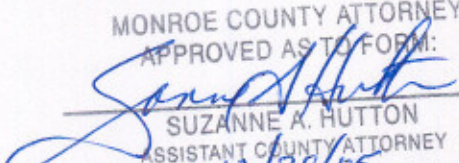
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

(Seal)

Attest: DANNY L. KOLHAGE, Clerk

By: _____
Mayor/Chairman

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 12/30/05